

DRAFT
OF THE
Constitution of Illinois



Prepared by
THE COMMITTEE ON PHRASEOLOGY AND STYLE
Embodying provisions adopted on second reading
Up to May 5,
1922

**ILLINOIS
CONSTITUTIONAL
CONVENTION**

1920-1922



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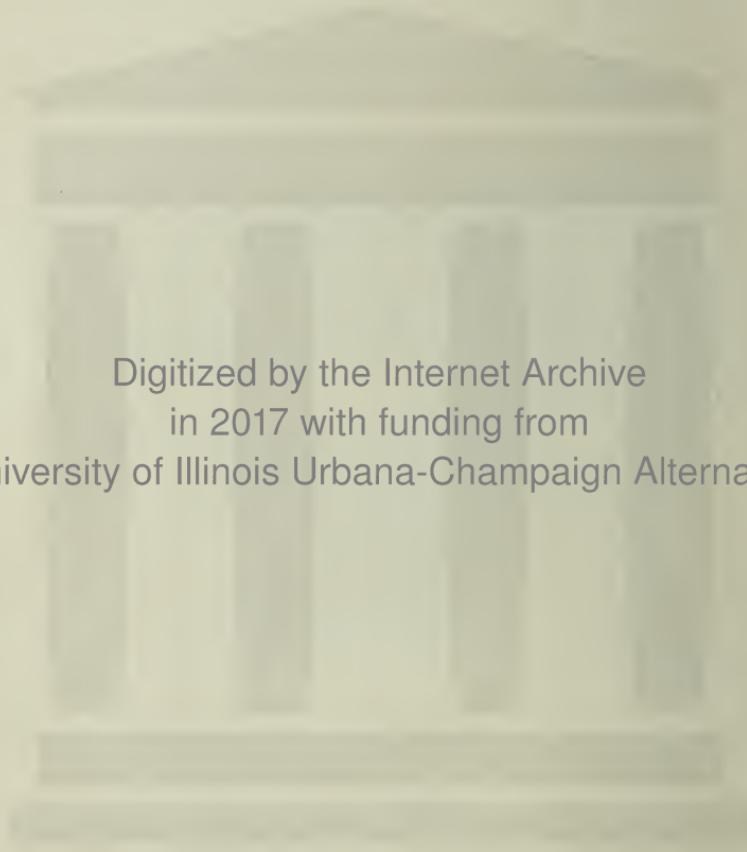
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The Committee on Phraseology and Style, after a practically continuous conference since the last adjournment, submits herewith a proposed text of the new constitution embodying all provisions adopted by the convention up to May 5, 1922. A formal report including the text herewith published together with explanatory notes and comment will be printed and distributed before the convention reconvenes. The following draft is submitted in advance for the convenience of the members before the reconvening.

ELAM L. CLARKE, *Chairman.*
THOS. RINAKER.
CHARLES B. T. MOORE.
E. H. DUPEE.
H. E. TORRANCE.
GEORGE A. BARR.
EDWARD H. BREWSTER.

OTTAWA, ILLINOIS,
MAY 27, 1922.



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CONSTITUTION OF ILLINOIS

PREAMBLE

We, the people of the state of Illinois, grateful to Almighty God for the civil, political and religious liberties which He hath so long permitted us to enjoy and looking to Him for a blessing upon our endeavors to secure and transmit them unimpaired to succeeding generations, in order to form a more perfect government, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution.

ARTICLE I

BILL OF RIGHTS

Section 1. All men are by nature free and independent and have certain inherent and inalienable rights; among these are life, liberty and the pursuit of happiness. To secure these rights and the protection of property, governments are instituted among men, deriving their just powers from the consent of the governed. A frequent recurrence to the fundamental principles of civil government is necessary to preserve the blessings of liberty.

Section 2. No person shall be deprived of life, liberty or property without due process of law.

Section 3. The free exercise and enjoyment of religious profession and worship without discrimination shall forever be guaranteed. No person shall be denied any civil or political right, privilege or capacity on account of his religious opinions. The liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness or justify practices inconsistent with the peace or safety of the state. No person shall be required to attend or support any ministry or place of worship against his consent, nor shall any preference be given by law to any religious denomination or mode of worship. The reading without comment in the public schools of selections from any version of the old and new testaments shall never be held to be in conflict with this constitution.

Section 4. Every person may freely speak, write or publish on any subject but is responsible for the abuse of this liberty. In trials for libel, civil or criminal, the truth when published with good motives and for justifiable ends is a sufficient defense.

Section 5. The right of trial by jury shall remain inviolate but may be waived except in capital cases. The general assembly may provide that women may be eligible to serve as jurors. Juries of less than twelve in civil cases may be authorized by law.

Section 6. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated. No warrant shall issue without probable cause, supported by affidavit particularly describing the place to be searched and the persons or things to be seized.

Section 7. Excessive bail shall not be required. The privilege of the writ of *habeas corpus* shall not be suspended unless in case of rebellion or invasion the public safety may require it.

Section 8. No person shall be held to answer for a capital offense unless on indictment of a grand jury. Offenses which may be punished by imprisonment in the penitentiary may be prosecuted by indictment or on information filed by the attorney general or by a state's attorney. No such information shall be filed by a state's attorney.

ney except by leave granted, either in term time or in vacation, by a judge of a court of record having jurisdiction of the offense, after a showing of probable cause. All other offenses may be prosecuted as provided by law.

Section 9. In all criminal prosecutions the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation and to have a copy thereof; to meet the witnesses face to face; to have process to compel the attendance of witnesses in his behalf; and to have a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

Section 10. No person shall be compelled in any criminal case to give evidence against himself or be put in jeopardy twice for the same offense.

Section 11. All penalties shall be proportioned to the nature of the offense. No conviction shall work corruption of blood or forfeiture of estate. No person shall be transported out of the state for any offense committed therein.

Section 12. No person may be imprisoned for debt except upon refusal to deliver up his estate for his creditors as prescribed by law or in case of strong presumption of fraud.

Section 13. Private property shall not be taken or damaged for public use without just compensation which, when not made by the state, shall be ascertained by a jury.

Section 14. No *ex post facto* law or law impairing the obligation of contracts or making any irrevocable grant of special privileges or immunities shall be passed.

Section 15. The military shall be in strict subordination to the civil power. No soldier in time of peace shall be quartered on a householder without his consent or in time of war except as provided by law.

Section 16. The people have the right to assemble in a peaceable manner to consult for the common good, to make known their opinions to their representatives and to apply for redress of grievances.

Section 17. All elections shall be free and equal.

Section 18. Every person ought to find a certain remedy in the law for all injuries and wrongs which he may receive in his person, property or reputation. He ought to obtain right and justice by law, freely without being obliged to purchase it, completely and without denial, promptly and without delay.

Section 19. Laws shall be applicable alike to all citizens without regard to race or color.

ARTICLE II

POWERS AND FORM OF GOVERNMENT

Section 20. The legislative, executive and judicial departments shall be separate and no one of them shall exercise powers properly belonging to another.

Section 21. The republican form of government of this state shall never be abandoned, modified or impaired.

ARTICLE III

LEGISLATIVE DEPARTMENT

Section 22. The legislative power shall be vested in a general assembly consisting of a senate and a house of representatives.

Section 23. The general assembly at the regular sessions in nineteen hundred twenty-three, nineteen hundred thirty-three and every twelve years thereafter shall apportion the state into fifty-seven senatorial districts each of which shall elect one senator and into one hundred fifty-three representative districts each of which shall elect one representative. The basis of apportionment for both houses shall be the number voting for governor at the last regular election for that office previous to the apportionment. Every district shall be formed of compact and contiguous territory and shall be bounded by county lines except in counties comprising two or more districts when such districts may be bounded by precinct or ward lines.

The territory now forming the county of Cook shall constitute nineteen senatorial districts. The territory forming the rest of the state shall constitute thirty-eight senatorial districts. At each apportionment the number so voting in the county of Cook shall be divided by nineteen and the quotient shall be the senatorial ratio for that territory and the number so voting in the rest of the state shall be divided by thirty-eight and the quotient shall be the senatorial ratio for that territory. The senatorial districts in each territory shall contain as nearly as practicable the ratio for that territory but in no case less than three-fourths of such ratio.

At each apportionment the number so voting in the entire state shall be divided by one hundred fifty-three and the quotient shall be the representative ratio for the state. Representative districts shall contain as nearly as practicable the representative ratio. No district shall contain less than four-fifths of the representative ratio. But a county having less than four-fifths of the ratio may be joined with an adjoining county having less than the ratio in forming a district; counties having less than four-fifths of the ratio may be formed into districts of one or more counties; such districts shall be as near the ratio as practicable; and when of more than one county such counties shall be adjoining. Counties comprising not less than one ratio and three-fourths shall be divided into two or more districts. Each district in counties comprising more than two districts shall contain at least the full ratio.

Section 24. If the general assembly fails to make any such apportionment it shall be the duty of the secretary of state, the auditor of public accounts and the attorney general to meet at the office of

the governor within ninety days after the adjournment of the regular session of the year designated for that purpose and make an apportionment as provided in section twenty-three of this constitution.

Section 25. Senators shall be at least twenty-five and representatives at least twenty-one years of age. No person shall be a member of the general assembly who holds any other lucrative public office or employment (except as a militia officer, justice of the peace or notary public) or is not a citizen of the United States or has not resided for five years in the state and for two years next before his election in the territory forming the district.

Section 26. Senators from even numbered districts shall be elected in nineteen hundred twenty-four and those from odd numbered districts in nineteen hundred twenty-six and every four years thereafter. Representatives shall be elected in nineteen hundred twenty-four and every two years thereafter. Senators shall hold office for four years and representatives for two years beginning on the day of the convening of the regular session next after the election. Vacancies shall be filled by special elections called by the governor.

Time of Meeting and Rules

Section 27. The general assembly shall convene at noon on Wednesday after the first Monday in January in odd numbered years. The secretary of state shall preside over the house of representatives until a temporary presiding officer is chosen who shall preside until a speaker is chosen. The lieutenant governor shall preside over the senate and may vote in case of tie. The senate shall choose a president to preside during the absence or pending the impeachment of the lieutenant governor or while he acts as governor.

Section 28. The governor may convene the general assembly by proclamation on extraordinary occasions; but it shall enter upon no business save that stated in the proclamation or in one additional message from the governor during the session.

Section 29. Members of the general assembly, before entering upon their duties, shall take and subscribe the following oath or affirmation:

I do solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of the state of Illinois and will faithfully discharge the duties of senator (or representative) to the best of my ability; that I have not, knowingly or intentionally, paid or contributed anything or made any promise in the nature of a bribe directly or indirectly to influence any vote at my election; that I have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, association or person for any vote or influence I may give or withhold on any bill, resolution or appropriation or for any other official act.

This oath shall be administered by a judge of the supreme or circuit court in the hall of the house to which the member is elected. The secretary of state shall record and file the oath subscribed by each member. Any member who refuses to take this oath shall for-

feit his office. Any member who is convicted of swearing falsely to or of violating his oath shall forfeit his office and be disqualified thereafter from holding any office in this state.

Section 30. A majority of the members elected to each house shall constitute a quorum. Each house shall determine its rules, choose its temporary and permanent officers and judge the election and qualification of its members. Each house may punish by imprisonment not exceeding twenty-four hours (unless the offense is persisted in) any person not a member guilty of disorderly or contemptuous behavior in its presence; and by a two-thirds vote of those elected and once only for the same offense may expel a member.

Section 31. The doors of each house and of committees of the whole shall be open except when in the opinion of the house secrecy is required. Neither house without the consent of the other shall change its place of sitting or adjourn for more than three days. Each house shall keep and publish a journal of its proceedings. Two members of the senate or five members of the house may have the yeas and nays taken on any question and entered upon the journal. The members of either house may have entered upon the journal in respectful language the reasons for their dissent from or protest against any act or resolution.

Section 32. If the two houses disagree as to time of adjournment the governor on receiving a certificate of such disagreement from either house may adjourn the general assembly to any time not beyond the first day of the next regular session.

Section 33. By joint resolution concurred in on roll call by two-thirds of the members elected to each house the general assembly may authorize committees to continue after its *sine die* adjournment and until the next regular session convenes.

Legislative Procedure

Section 34. No law shall be passed except by bill. Bills may be originated, amended or rejected in either house.

Section 35. The enacting clause of laws shall be: Be it enacted by the People of the State of Illinois, represented in the General Assembly.

Section 36. No act shall embrace more than one subject and that shall be expressed in the title. Any act embracing a subject not expressed in the title shall be void only as to such subject. No act shall be revived by reference to its title only. An act expressly amending an act shall set forth at length the section or sections as amended.

Section 37. Appropriation bills to pay members, officers and employes of the general assembly shall contain no provision on any other subject.

Section 38. Bills making appropriations of money out of the treasury shall specify the objects and purposes for which the appropriations are made and appropriate to them respectively their several amounts in distinct items and sections.

Appropriations for the offices of governor, lieutenant governor, secretary of state, attorney general, treasurer, auditor of public accounts and superintendent of public instruction shall be made by a separate bill for each office.

Section 39. No subject-matter shall be included in any conference committee report on an appropriation bill unless such subject-matter directly relates to matters of difference between the houses and has been specifically referred to the conference committee.

No report of any conference committee on an appropriation bill shall be considered and no appropriation bill shall be passed unless the report and the bill in its final form have respectively been printed and placed on the desks of the members at least three legislative days before the report is considered or the bill is passed.

Section 40. Every bill shall be read by title on three different days in each house but the rules of either house may provide for the reading of bills at greater length on second and third reading.

Section 41. Every bill and all amendments thereto, except an amendment striking out an emergency clause, shall be printed before final passage in each house. No bill shall become law unless on final passage in each house a majority of the members elected concur by yea and nay vote which shall be taken separately on each bill and entered upon the journals. When passed by both houses a bill shall be signed by the presiding officers thereof and the facts of printing, placing on the desks of members, signing and presentation to the governor together with the date of such presentation shall be entered upon the journals.

Section 42. Every bill passed by the general assembly shall be presented to the governor and if signed by him shall thereupon become law. At the time of signing an appropriation bill the governor may disapprove any section or item thereof by appending to the bill a statement of his objections. If the governor does not approve a bill or if he disapproves an appropriation bill in part he shall return the bill with his objections to the house where it originated. If thereafter such disapproved bill or any disapproved section or item of an appropriation bill is again approved by two-thirds of the members elected to each house the bill or such section or item of an appropriation bill shall become law notwithstanding the objections of the governor. Any disapproved bill or disapproved part of an appropriation bill shall be reconsidered first in the house where the bill originated and then sent, with the objections of the governor, to the other house. Each house before reconsidering shall enter the governor's objections at large upon its journal.

Any bill which is not returned by the governor within ten days, Sundays excepted, after it is presented to him shall thereupon become law as if he had signed it. If the general assembly by adjournment prevents its return the bill shall become law at the end of thirty days after such adjournment unless within that time the governor files the bill and his objections with the secretary of state.

Section 43. No appropriation act shall take effect until the first day of July succeeding its enactment and no other act shall take

effect until sixty days after the adjournment of the session at which it was enacted; but in case of emergency, which shall be expressed in the body of the act, the general assembly may direct otherwise by a vote of two-thirds of the members elected to each house.

Legislative Limitations

Section 44. No local or special law shall:

- Grant divorces;
- Change the names of persons or places;
- Provide for opening, altering or working public highways;
- Vacate highways, public grounds or town plats;
- Regulate county or township affairs;
- Incorporate cities, towns or villages or amend their charters;
- Provide for summoning or impaneling juries;
- Provide for the management of common schools;
- Regulate interest rates;
- Regulate elections or designate places of voting;
- Regulate the sale or mortgage of real estate of persons under disability;
- Protect game or fish unless by reasonable classification of waters;
- Authorize ferries or toll bridges;
- Remit fines, penalties or forfeitures;
- Change the law of descent;
- Grant the right to construct railroad tracks; or
- Grant any special or exclusive privilege, immunity or franchise.

Nor shall any special law be passed where a general law can be made applicable.

Section 45. Lotteries and gift enterprises are forbidden.

Section 46. No liability due the state or any subdivision thereof or any municipal corporation shall ever be released or extinguished by law.

Section 47. No officer shall be elected or appointed by the general assembly or by either house except their respective officers.

Section 48. No special law may grant or change any corporate powers except those of educational, charitable, reformatory or penal corporations under the patronage and control of the state.

Section 49. The state shall not authorize any bank of issue or conduct or own any interest in or incur any liability for any banking business.

Impeachments

Section 50. The governor and all civil officers of the state shall be liable to impeachment for misdemeanor in office. The house of representatives shall have the sole power of impeachment but a majority of the members elected must concur therein. Impeachments

shall be tried by the senate each senator being upon oath or affirmation to do justice according to the law and the evidence. When the governor is tried the chief justice shall preside. No person shall be convicted without the concurrence of two-thirds of the senators elected. Judgment in case of impeachment shall not extend beyond removal from office and disqualification for any office under the state; but the person impeached whether convicted or acquitted shall be liable to prosecution according to law.

Provisions concerning Members

Section 51. The pay and mileage allowed each senator and representative shall be certified by the presiding officers of their respective houses and entered upon the journals. No senator or representative shall receive any other compensation or allowance. No law increasing the pay or other allowance of members of the general assembly shall take effect until the second regular session next following its enactment.

Section 52. Except for treason, felony or breach of the peace senators and representatives shall be privileged from arrest while going to, attending or returning from sessions of the general assembly. They shall not be questioned elsewhere for any speech in either house.

Section 53. No person elected to the general assembly shall receive or hold any lucrative civil appointment in this state during the term for which he is elected.

Section 54. No member of the general assembly during his term or within one year thereafter shall be beneficially interested directly or indirectly in any contract with the state or any subdivision thereof or any municipal corporation, authorized by a law enacted during his term.

Miscellaneous Provisions

Section 55. The general assembly shall pass liberal homestead and exemption laws.

Section 56. The general assembly shall pass laws to encourage forestry.

Section 57. The general assembly may provide for:
Opening private roads to communicate with public roads;

Permitting owners and lessees of lands and minerals to construct drains, ditches and levees on, across or under the lands of others for agricultural, sanitary and mining purposes;

Organizing drainage districts having powers of eminent domain and special assessment for flood control or for sanitary or agricultural purposes; and

Making surveys and straightening and improving water courses in part at the expense of drainage districts and in part by the state or any political subdivision thereof.

This section shall not be construed as a limitation of the powers of the general assembly.

Section 58. The general assembly may authorize the state or any subdivision thereof or any municipal corporation to take and to hold, lease or sell more land than is needed for a public improvement whenever the court finds the excess is required to protect, preserve or aid the improvement and is reasonable in quantity therefor.

Section 59. The general assembly shall not grant the right to occupy the streets or public grounds of any municipal corporation without its consent.

Section 60. The general assembly in order to promote the general welfare may authorize cities, villages and incorporated towns to adopt reasonable regulations governing the use and appearance of land and the location, appearance, size and use of structures and to divide their territory into zones to each of which special regulations may be applied. Distinctions may be made between conditions existing at the time of adoption of any such regulations and future conditions. Such regulations shall not be enforced as to conditions existing at the time of their adoption without payment of just compensation unless such regulations might lawfully be so enforced irrespective of the provisions of this section. Any statute in force at the time of the adoption of this constitution (or any ordinance passed in conformity with such statute) which comes within the provisions of this section shall be valid.

Section 61. The general assembly may provide for lending money on farm lands in the state but no act providing therefor or any amendment thereto shall take effect until it is approved by a majority of those voting on the question at a general election. Such loans shall be amortized in not to exceed thirty-three years and shall be secured by first mortgages or deeds of trust made by those owning, occupying and cultivating the lands pledged. Reasonable preferences concerning loans may be given to persons honorably discharged from the armed forces of the United States.

Section 62. Every stockholder of a bank shall be liable (in addition to any liability for his stock) to the amount of the par value of the stock held by him for liabilities of the bank accruing while he held such stock. The general assembly shall provide the manner in which such obligation shall be enforced. In every election for directors of a bank each stockholder may cast, in person or by proxy, as many votes as shall equal the number of directors to be elected multiplied by the number of shares owned by him and may cumulate his votes for one candidate or distribute them among several.

ARTICLE IV

EXECUTIVE DEPARTMENT

Section 63. The executive department shall consist of a governor, lieutenant governor, secretary of state, attorney general, treasurer, auditor of public accounts, superintendent of public instruction and such other officers as provided by law. Except the lieutenant governor they shall reside at the seat of government during their terms.

Section 64. The governor and lieutenant governor each shall be at least thirty-five years of age and a citizen of the state for ten years next before his election. No elective officer of the executive department shall hold another office during the term for which he is elected.

Section 65. No state treasurer shall again hold that office within four years after his term expires. The treasurer may be required by the governor to give reasonable additional security and in default of so doing his office shall be deemed vacant.

Section 66. The officers specifically named in section sixty-three of this constitution except the superintendent of public instruction shall be elected in nineteen hundred twenty-four and every four years thereafter. The superintendent of public instruction shall be elected in nineteen hundred twenty-six and every four years thereafter.

The term of office of every such officer shall be four years from the second Monday of January next after his election.

Section 67. The election returns for officers of the executive department shall be sealed and transmitted by the returning officers to the secretary of state directed to the speaker of the house of representatives. Before that house proceeds to other business and immediately after its organization the speaker shall open and publish such returns in the presence of a majority of each house assembled in the hall of the house of representatives and then declare elected to each office the person so shown to have the highest number of votes therefor. The general assembly by ballot in joint session shall determine contested elections for such offices and in case of tie shall choose in like manner one of the persons tied.

Section 68. The public records and papers of the executive department shall be kept at the seat of government.

Section 69. The officers of the executive department shall be paid salaries and shall not receive to their own use any other compensation.

Section 70. The supreme executive power shall be vested in the governor who shall take care that the laws are faithfully executed.

Section 71. Each officer of the executive department shall perform such duties as are prescribed by law.

Section 72. At the commencement of each regular session and at the close of his term the governor shall inform the general assembly of the condition of the state and recommend such measures as he deems expedient. At the same times he shall account to the general assembly for all funds subject to his order.

Section 73. The governor shall nominate and with the consent by yea and nay vote of a majority of those elected to the senate shall appoint all officers whose appointment or election is not otherwise prescribed by law.

If a vacancy exists during the recess of the senate in any office where the appointing power is vested in the governor, subject to the consent of the senate, the governor shall make a temporary appointment until the next meeting of the senate when he shall nominate some person for the office.

No person rejected by the senate shall be nominated again for the office at the same session save on request of the senate; or be appointed to the office during the recess of the senate.

Section 74. For incompetency, neglect of duty or malfeasance in office the governor may remove any officer whom he may appoint.

Section 75. The governor may grant reprieves, commutations and pardons for all offenses after conviction on such terms as he thinks proper; but the manner of applying therefor may be regulated by law.

Section 76. The governor shall be commander-in-chief of the armed forces of the state except when they are in the service of the United States and may call them out to execute the law, protect life or property, suppress insurrection or repel invasion.

Section 77. If the office of governor becomes vacant the lieutenant governor shall become governor for the residue of the term. If the governor fails to qualify, is absent from the state or is under disability, the powers, duties and emoluments of the office shall devolve upon the lieutenant governor for the residue of the term or until the cause which renders the governor incapable of performing his duties is removed.

If there is no lieutenant governor or if for any of the above causes he is incapable of performing the duties of the office, its powers, duties and emoluments shall devolve, first upon the president of the senate and after him for like causes upon the speaker of the house of representatives; but each of them shall act only until the cause which renders the officer having the prior right incapable of performing the duties of the office is removed or until the vacancy is filled by election.

Section 78. If the office of secretary of state, attorney general, treasurer, auditor of public accounts or superintendent of public instruction becomes vacant, the governor shall fill the vacancy by appointment until a successor is elected and qualified.

Section 79. Each officer of the executive department and the chief officer of each public institution of the state shall render under oath to the governor a semi-annual account of all moneys received or disbursed. At least ten days before the regular session of the general assembly each of these officers shall report the condition of his office to the governor who shall transmit the reports to the general assembly. Additional reports may be required of these officers by the governor.

Section 80. The state treasurer as a part of each semi-annual report shall show the daily balances of state funds in his custody and in every bank, safe or other place of deposit or safe keeping where such funds were during the period covered by such report; and accompany his report with a sworn statement of an executive officer in charge of every such bank, safe or other place of deposit which shall give each payment of interest or other compensation made or to be made by reason of the deposit or use or keeping of any part of such funds.

Section 81. There shall be a great seal of the state of Illinois to be kept and used by the secretary of state as directed by law.

Section 82. The auditor of public accounts shall publish within sixty days after the adjournment of each session of the general assembly a statement of the expenses of such session specifying the amount of each item and to whom and for what paid.

Section 83. A uniform system of accounts for all county, town and school officers shall be prescribed and supervised by the auditor of public accounts and their accounts shall be audited by him.

ARTICLE V

JUDICIAL DEPARTMENT

Section 84. The judicial power shall be vested in a supreme court, appellate, circuit and county courts and justices of the peace.

The Supreme Court

Section 85. The supreme court shall consist of seven justices one of whom to be chosen by themselves shall be chief justice.

Section 86. The state shall be divided into six districts for the election of justices. The first district shall consist of the territory now comprising the county of Cook and two justices shall be elected from that district. The rest of the state shall be divided into five districts each of which shall elect one justice and until otherwise provided by law the five districts shall be as follows:

Second district: The counties of Lake, McHenry, Boone, Winnebago, Stephenson, Jo Daviess, Carroll, Ogle, De Kalb, Kane, Du Page, Lee, Rock Island and Whiteside;

Third district: The counties of Henry, Bureau, La Salle, Grundy, Kendall, Woodford, Tazewell, Mason, Livingston, Marshall, Putnam, Peoria, Stark, Knox, Fulton, Schuyler, Hancock, McDonough, Henderson, Warren and Mercer;

Fourth district: The counties of Will, Kankakee, McLean, Ford, Iroquois, Champaign, Vermilion, Edgar, Douglas, Clark, Coles, Moultrie, Piatt, DeWitt, Macon, Logan, Menard and Sangamon;

Fifth district: The counties of Adams, Brown, Pike, Cass, Scott, Morgan, Calhoun, Green, Jersey, Macoupin, Madison, Bond, Montgomery, Christian, Shelby, Fayette, Effingham, Marion, Clay, Richland, Jasper, Cumberland, Crawford and Lawrence;

Sixth district: The counties of St. Clair, Clinton, Washington, Monroe, Randolph, Perry, Jackson, Union, Alexander, Pulaski, Massac, Johnson, Williamson, Franklin, Jefferson, Wayne, Hamilton, Saline, Pope, Hardin, Gallatin, White, Edwards and Wabash.

Section 87. One justice of the supreme court shall be elected in the first district in nineteen hundred ; one justice in the first district in nineteen hundred ; one justice in the second district in nineteen hundred ; one justice in the third district in nineteen hundred ; one justice in the fourth district in nineteen hundred ; one justice in the fifth district in nineteen hundred ; one justice in the sixth district in nineteen hundred ; and every ten years thereafter respectively. The term of office of each justice shall be ten years from the date of his election.

Section 88. Whenever the supreme court certifies to the governor that it is unable to dispose of pending cases with reasonable dispatch because of the death, disability or resignation of any justice the governor shall designate a judge of one of the appellate courts to act as a justice of the supreme court and receive the salary paid a justice of that court until the vacancy is filled or the supreme court certifies to the governor that the disability is removed. Such designation shall not affect the term of such judge.

Section 89. The supreme court shall sit at the seat of government. A majority of the justices shall constitute a quorum and the concurrence of four shall be necessary for every decision.

Section 90. The supreme court shall have original jurisdiction in cases relating to the revenue, in *quo warranto*, mandamus, *habeas corpus*, prohibition and other cases involving questions of great public importance and appellate jurisdiction in all other cases.

Section 91. The supreme court shall have exclusive power to prescribe rules of pleading, practice and procedure in all courts but rules not inconsistent therewith may be prescribed respectively by other courts of record. Any rule of court may be set aside by the general assembly by a special law limited to that purpose.

Section 92. The supreme court shall appoint its clerk and a reporter of its decisions for terms of six years each subject to removal by the court.

Appellate Courts

Section 93. There shall be four appellate courts of uniform jurisdiction having such districts and sitting at such places as are now or may hereafter be provided by law.

Section 94. Each appellate court shall consist of three judges or such multiple of three as the supreme court may from time to time determine. In appellate courts of more than three judges the supreme court may assign the judges thereof to divisions of three judges each. Each division shall select a presiding judge and the presiding judges shall apportion the work of the court among the several divisions and perform such other administrative acts as may be necessary.

Section 95. Judges of the appellate courts shall be appointed by the supreme court. The terms of judges of the appellate courts shall be six years except that judges appointed to newly created divisions shall hold office only until the last day of the pending term for appellate judges. On January first, nineteen hundred twenty-nine, and every six years thereafter judges of all the appellate courts shall be appointed.

Section 96. The appellate courts shall hold such sessions as the supreme court may direct.

Section 97. Each appellate court shall appoint its clerk for a term of six years subject to removal by the court.

Appeals and Writs of Error

Section 98. Appeals from and writs of error to circuit and county courts may be prosecuted in all cases as follows:

To or from the supreme court in criminal cases where the punishment is death or imprisonment in the penitentiary and in cases where a franchise or a freehold or the validity of a statute is involved;

To or from the appellate courts in such other cases as may be prescribed by general rule of the supreme court;

To or from the supreme court in all other cases.

Except as above limited the supreme court by general rule may prescribe the final jurisdiction of appellate courts until otherwise provided by law.

Circuit Courts outside the County of Cook

Section 99. The state outside the county of Cook shall be divided into judicial circuits formed of contiguous counties as compact in form and as nearly equal as circumstances permit having regard to business, territory and population. The number of such circuits shall not exceed one for every one hundred fifty thousand population except that any circuit may be formed of a county or contiguous counties having a population exceeding one hundred thousand if the business of the circuit court or courts therein occupies nine months of the year. Circuits may be changed by law but only at the first session of the general assembly after the adoption of this constitution or at any session next preceding an election for circuit judges. No such change shall affect the term of any judge.

Section 100. In every circuit there shall be elected in nineteen hundred twenty-seven and every six years thereafter three judges of the circuit court whose terms shall be six years from the date of their election.

Section 101. In every such county there shall be a circuit court having original jurisdiction of all cases at law and in equity and such other jurisdiction as provided by law.

Section 102. Such circuit courts shall always be open for the transaction of business but terms of court not less than four annually may be prescribed by law for criminal and common law cases. In chancery cases and unless otherwise provided by law in common law cases, the first Monday of each month shall be return day for process. The circuit court shall sit at the county seat of the county and in cities in the county of more than fifty thousand population. A majority of the judges of the circuit may provide for holding sessions of the court in any city wholly or partly in a county whenever such city or part thereof has not less than five thousand population and suitable quarters for holding court are provided without expense to the county or state.

Circuit Court of Cook County

Section 103. The county of Cook shall constitute one circuit with a circuit court having original jurisdiction of all cases,

matters and proceedings requiring judicial action and of appeals from justices of the peace.

Section 104. The circuit court of Cook county shall consist of thirty-three judges until the number is changed as herein provided.

Section 105. Unless the number of judges of the circuit court of Cook county is changed as provided herein eleven judges shall be elected in nineteen hundred twenty-three, nine in nineteen hundred twenty-five, thirty-one in nineteen hundred twenty-seven and twenty-five in nineteen hundred twenty-nine, each for a term of six years from the date of his election. Thereafter every six years judges shall be elected to succeed the judges whose terms expire. They shall severally hold office for terms of six years from the date of their election.

An additional judge may be added by law for every one hundred fifty thousand population in the county above three million four hundred thousand population or the number of judges may be reduced by law.

Section 106. The circuit court shall sit in the city of Chicago but provision may be made by law for holding sessions in other cities, villages or incorporated towns in the county having a population of at least five thousand whenever suitable quarters for holding court are provided without expense to the county or state.

Section 107. The supreme court shall establish a criminal division of the circuit court which shall dispose of all cases of a criminal or quasi-criminal nature and a civil division which shall dispose of all other cases or matters. The supreme court from time to time shall assign judges to service in the two divisions and shall designate a judge to act as chief justice of each division who shall have such administrative power and authority as may be provided by the supreme court.

Section 108. The supreme court may authorize the chief justice of the criminal division and the chief justice of the civil division respectively, by and with the advice and consent of a majority of the judges of their respective divisions, to appoint assistants who shall have such judicial or other powers and duties in respect to the business before the court as the supreme court may prescribe. The salaries of such assistants shall be fixed by the county board and paid out of the county treasury.

Section 109. The chief justice of the civil division of the circuit court, after the expiration of the term of the county judge elected in nineteen hundred twenty-two and until otherwise provided by law, shall exercise control and supervision over all matters of elections as provided by law.

Section 110. Electors of Cook county equal in number to one-tenth of the total vote cast for president of the county board at the last preceding election may file in the circuit court a petition to submit to a vote the proposition whether the county shall adopt the system hereinafter provided for the appointment of the judges of the

circuit court. Thereupon the chief justice of the civil division of that court by an order entered of record shall call a special election for submitting such proposition within ninety days after such order is entered. The election shall be held under the election laws in force in the county. If the proposition is approved by a majority of those voting thereon it shall be declared adopted by such chief justice. If the proposition is not approved it shall not again be submitted for six years. The form of the petition and its verification and of the ballots to be used at the election, the manner of voting, the public notice to be given, the method of certifying and recording the result of the election and other necessary details shall be prescribed by law or by the supreme court if not prescribed by law. After the adoption of such proposition the manner of choosing judges of that court shall be as follows: The governor shall fill any vacancy in that court by appointment from a list containing the names of not less than four eligible persons for each vacancy, nominated by a majority of the supreme court, not more than one-half of such persons to be affiliated with the same political party. Each judge so appointed shall hold his office during good behavior subject to removal as herein provided. At the annual election every sixth year after the adoption of such system of appointment the electors of the county shall be given an opportunity to express their disapproval of the judges so appointed and then in office. The method of voting, the form of ballots to be used at such election and other necessary details shall be prescribed by law. If a majority of those voting at the election express their disapproval of any judge his office shall become vacant at the expiration of ninety days after the election and for a period of six years thereafter he shall be ineligible to appointment as a judge of such court.

Section 111. After five years from the adoption of this constitution the general assembly may divide the circuit court into, and the jurisdiction thereof between, two courts both of which shall be governed by the provisions of this article so far as applicable. No act providing therefor shall become effective until approved by a majority of those voting on the question at a general election.

County Courts

Section 112. In each county except the county of Cook there shall be elected in nineteen hundred twenty-seven and every six years thereafter a judge of the county court except that contiguous counties may by law be made a district in which one judge shall be elected for all county courts in the district. An additional judge shall be elected for every fifty thousand population or major portion thereof in a county above a population of fifty thousand. The term of every county judge shall be six years from the date of his election.

Section 113. In every such county there shall be a county court having original jurisdiction of all matters of probate, guardianship, conservatorship and apprenticeship, the administration and settlement of estates of deceased persons and proceedings for the

sale of real estate for purposes authorized by law; where incidental to the settlement of estates jurisdiction in testamentary trusts, construction of wills and partition of real estate; proceedings relating to taxes and assessments and their collection; criminal cases below the grade of felony; exclusive jurisdiction of appeals from justices of the peace; and such other jurisdiction as provided by law.

Section 114. County courts shall always be open for the transaction of business and the first Monday of each month shall be return day for process or appeals. The court shall sit at the county seat but may also sit in cities in the county of twenty thousand population or more whenever suitable quarters for holding court are provided without expense to the county or state.

Justices of the Peace

Section 115. Justices of the peace and constables outside the county of Cook shall be elected or appointed in such towns or districts as provided by law. They shall receive salaries from their respective towns or districts to be fixed by the county board.

Section 116. The chief justice of the civil division of the circuit court of Cook county shall appoint a justice of the peace and a constable in each town or portion of town in the county outside the city of Chicago, each of whom shall hold office for two years unless sooner removed by such chief justice for cause shown of record. An additional justice of the peace and constable may be appointed in every such town or portion of town for every additional ten thousand population therein, or major portion thereof above a population of ten thousand. Such justices of the peace shall have the same jurisdiction and such constables shall perform the same duties in the part of the county of Cook outside the city of Chicago as like officials in the rest of the state. The salaries of such justices of the peace and constables shall be fixed by the county board and paid by the county.

Section 117. The offices of justice of the peace and constable or either of them may be abolished or restored in any town or district (or in any town or portion of town in the county of Cook or in that part of the county of Cook as a whole outside the city of Chicago) by a majority vote of the electors thereof voting on the question as provided by law.

General Provisions

Section 118. There shall be a state's attorney elected in each county in nineteen hundred twenty-four and every four years thereafter for a term of four years from the first Monday of December next after his election. No state's attorney shall be elected or appointed unless he is licensed to practice law in this state.

Section 119. Laws relating to courts of the same class or grade and the force and effect of the process, judgments and decrees of such courts severally shall be uniform.

Section 120. The general assembly upon due notice and opportunity for defense and for cause entered upon the journal of each house may remove any justice or judge upon concurrence in each house of three-fourths of its elected members. All other officers mentioned in this article shall be removed from office on conviction for misdemeanor in office.

Section 121. Provision may be made by rule of the supreme court or by law for the bringing of actions or proceedings in which a merely declaratory judgment or decree or order is sought and for authorizing the court to make a binding declaration of right whether or not any consequential relief may be claimed.

Section 122. Process shall run: *In the name of the People of the State of Illinois.* Prosecutions shall be carried on: *In the name and by the authority of the People of the State of Illinois;* and shall conclude: *Against the peace and dignity of the People of the State of Illinois.*

Section 123. Justices of the supreme court and judges of the appellate and circuit courts shall be at least thirty-five years of age and shall have engaged in the active practice of law or have acted as a judicial officer or both for at least ten years in this state. Judges of the county courts shall be at least thirty years of age and have had like experience for at least five years.

Section 124. Judicial officers shall be commissioned by the governor and the appointing power to fill vacancies in elective judicial offices shall be vested in him except as otherwise provided herein.

Section 125. The officers of the judicial department shall perform such duties as provided by law. They shall reside in the district, circuit or county for which they are respectively elected or appointed.

Section 126. Justices of the supreme court and judges of the appellate, circuit and county courts shall be paid salaries by the state which shall be uniform for the several courts except county courts. In the county of Cook judges of the appellate and circuit courts shall each receive the salary paid such judge respectively in the rest of the state and such further compensation from the county of Cook as provided by law.

Section 127. No justice of the supreme court or judge of any court of record so long as he holds such office shall receive any compensation, perquisite or benefit other than his salary or perform any duties other than judicial or engage in the practice of law.

Section 128. Whenever the supreme or appellate court districts are changed they shall be formed of contiguous counties as compact in form and as nearly equal in population as may be. No such change shall affect the term of any justice or judge.

Section 129. The supreme court may transfer judges of the appellate courts from one district to another and judges of the circuit courts from one circuit to another.

Section 130. If a judge of any circuit or county court is appointed judge of an appellate court the vacancy so caused in the circuit or county court shall be filled by appointment by the supreme court. The judge so appointed to the circuit or county court shall serve until his successor is elected and qualified.

ARTICLE VI

SUFFRAGE AND ELECTIONS

Section 131. Excepting only idiots and persons adjudged insane or convicted of infamous crime and not restored to civil rights, every citizen of the United States above the age of twenty-one years who has resided in the state one year and (unless naturalized because of military or naval service) in the United States five years, shall be a qualified elector but may vote only in the election district and county in which he has resided thirty and ninety days respectively next before such election.

Section 132. No person shall be deemed to have lost his voting residence because of absence in the service of the state or the United States nor to have a voting residence because he has been stationed as a soldier, seaman or marine in this state.

Section 133. Votes shall be by ballot.

Section 134. Except for treason, felony or breach of the peace electors shall be privileged from arrest during attendance at and in going to and returning from elections. Militia duty shall not be required of electors on election days except in time of war or public danger.

Section 135. No final election of officers shall be held save on the first Tuesday after the first Monday of November which shall be a holiday; but after the first day of January, nineteen hundred twenty-seven, the general assembly by a two-thirds vote of the members elected to each house may provide for the election of officers at other times.

Section 136. Every vacancy in an elective office which would continue a year or more beyond the first regular election occurring after ninety days shall be filled at such election; but such vacancy prior to the qualification of the person elected and all other vacancies may be filled by appointment.

Section 137. This article shall apply to all elections under this constitution or other law.

ARTICLE VII

REVENUE AND FINANCE

Revenue

Section 138. The power of taxation shall never be surrendered, suspended or contracted away. All taxes shall be levied and collected only under general law and for public purposes. Taxes levied for state purposes shall never be released, discharged or commuted. The specifications herein of objects and subjects of taxation shall not deprive the general assembly of the power to require other objects or subjects to be taxed in such manner as may be consistent with the principles of taxation fixed in this constitution.

Section 139. Taxes may be imposed on privileges, franchises and occupations, uniform as to class.

Section 140. The general assembly shall provide for the levying of taxes upon property by valuation so that every person or corporation shall pay a tax in proportion to the value of his or its property, such value to be ascertained by some person or persons to be elected or appointed in such manner as the general assembly shall direct and not otherwise.

Section 141. In lieu of any tax on intangible property or any kind or class thereof, by valuation, the general assembly may provide a uniform and substantial tax on the income derived therefrom.

Section 142. A general income tax may be imposed upon all incomes. If such income tax is graduated and progressive the highest rate shall not exceed three times the lowest rate.

Section 143. Taxes on incomes shall be levied and collected only by the state. The revenue raised under the general income tax shall be apportioned to the state and to the taxing bodies as the general assembly may prescribe. Of the revenue raised under any income tax imposed under section one hundred forty-one of this constitution there shall be used for state purposes the same percentage as is used from the total revenue from taxes by valuation and the residue shall be returned to the respective counties from which it was collected to be distributed among the taxing bodies thereof as provided by general law.

Section 144. Exemptions and deductions may be allowed as follows and not otherwise:

First: The following classes of property and the income therefrom may be relieved by general law from taxation: (1) public property; (2) household furniture used as such up to five hundred dollars

in value; (3) parsonages owned and used as such; (4) property used exclusively for (a) agricultural and horticultural societies not organized for pecuniary profit, (b) incorporated societies of war veterans, (c) cemeteries not held for private profit and (d) school, charitable or religious purposes.

Second: If a general income tax is imposed as authorized in section one hundred forty-two of this constitution, the general assembly may provide for: (1) an exemption of all household furniture and implements of agriculture or labor used as such without limit as to amount; (2) an exemption from income derived from personal service of not to exceed one thousand dollars to the head of a family plus two hundred dollars for each dependent child under the age of sixteen years and not to exceed five hundred dollars to any other person; (3) deductions from such general income tax of other taxes paid on the same income or on the source from which such income is derived; (4) such deductions as will reduce gross income to net income.

Section 145. Areas devoted to forests or forest culture may be classified for or exempted from taxation.

Section 146. No contract, obligation or liability whatever of the Illinois Central Railroad Company, to pay any money into the state treasury, nor any lien of the state upon, or right to tax property of, that company, in accordance with the provisions of the charter of that company, approved February tenth, in the year one thousand eight hundred fifty-one, shall ever be released, suspended, modified, altered, remitted, or in any manner diminished or impaired by legislative or other authority; and all moneys derived from that company after the payment of the state debt, shall be appropriated and set apart for the payment of the ordinary expenses of the state government, and for no other purpose whatever.

Section 147. The general assembly may vest the corporate authorities of cities, villages, incorporated towns and park districts, jointly or severally, with power to make local improvements by special assessment, by special taxation of contiguous property or otherwise.

Section 148. No owner of real estate shall be divested of title for default in payment of general or special taxes or assessments except upon sale by the county treasurer or by forfeiture to the state and in either case only after judgment of a court of record entered after notice as provided by law. Not less than two years shall be allowed to redeem from such sale or forfeiture. The general assembly may provide that the holder of a tax title based on any tax sale hereafter made may waive claim of title to the land sold and be subrogated to the tax lien for which the sale was made and proceed in equity to foreclose such lien with additional penalties as provided by law.

Section 149. The general assembly shall not impose taxes (except income taxes herein authorized) in municipal corporations for corporate purposes but may vest the corporate authorities thereof with authority to assess and collect taxes for all corporate purposes and shall require that all the taxable property within the limits of

municipal corporations shall be taxed for the payment of debts contracted under authority of law. Private property shall not be liable for such debts. Taxes imposed by municipal corporations shall be uniform as to persons and property.

Finance

Section 150. All taxes levied for state purposes shall be paid into the state treasury.

Section 151. No payment of money belonging to or for the use of the state shall be held to be made to any officer of the executive department until evidenced by the receipt of the state treasurer.

Section 152. Each general assembly shall make appropriations for the expenses of the government for a period of two years from the first day of July of the year in which it convenes. After such appropriations have been made the aggregate amount thereof shall not be increased except by a vote of two-thirds of the members elected to each house.

All appropriations for any such two year period shall end with the period except that obligations incurred during the period may be paid within three months thereafter.

Section 153. No money shall be drawn from the state treasury except under an appropriation made by law and on presentation of a warrant issued by the auditor of public accounts.

Section 154. The state may contract debts for meeting casual deficits in revenue up to one million dollars; for defense in war, suppressing insurrections or repelling invasion; or for the deep waterway as provided in this constitution.

Money so borrowed shall be applied only to the purpose for which it is obtained or for the payment of the debts thus created.

No other debt shall be contracted by the state unless the law authorizing it is approved by a majority of those voting for representatives at a general election. The general assembly shall provide for the publication of any such law for at least three months before the election. Provision shall be made when the debt is contracted for the annual payment of interest either by a tax to be levied for the purpose or by setting aside other revenues. Any law providing for such tax shall be submitted in like manner with the law authorizing the debt and if approved shall be irrepealable.

Section 155. No county, town or school district shall become indebted in the aggregate including its existing debt to an amount exceeding five per cent and no municipal corporation to an amount exceeding six per cent, of the value of the taxable property therein as ascertained by the last assessment for state and county taxes previous to incurring the debt. The corporate body incurring any such debt before or at the time of doing so shall provide for the collection of a direct annual tax sufficient to pay the interest on the debt and to pay the principal thereof in substantially equal annual instalments within twenty years but provision may be made

before or at the time of incurring the debt for the payment of any part of it before maturity. This section shall not apply to or within the county of Cook.

Section 156. Except as otherwise provided in this constitution the money or credit of the state shall never be used in aid of any public or private corporation, association or person.

Section 157. Claims against the state under agreements made without express authority of law shall be void except claims for expense incurred for defense in war, suppressing insurrection or repelling invasion.

Section 158. Except in payment of temporary rent, of temporary hospital service, of purchase price or (in the event and only in the event that public institutions or agencies are not adequate or available) of not to exceed the cost of temporarily maintaining and supporting during their terms of commitment, neglected, defective, dependent or delinquent persons committed by courts of competent jurisdiction to institutions or agencies under public inspection, no public money shall be paid or other public property be given or applied for any sectarian purpose or to any institution controlled by a church or sect.

ARTICLE VIII

LOCAL GOVERNMENTS.

Counties

Section 159. In each county the following county officers shall be elected: a sheriff, a county clerk, a treasurer who shall be ex-officio collector of taxes until otherwise provided by law, a coroner, a clerk of the circuit court and, in counties of sixty thousand population or more, a recorder of deeds. In counties of fifty thousand population or more an auditor may be selected as provided by law.

Section 160. In each county there may be a county superintendent of schools whose qualifications, time and manner of election or appointment, term of office, powers, duties and compensation shall be prescribed by law.

Section 161. The sheriff, the county clerk and the treasurer shall be elected in nineteen hundred twenty-six and every four years thereafter and the coroner, the circuit clerk and the recorder of deeds in nineteen hundred twenty-four and every four years thereafter, each for a term of four years. In counties not under township organization a commissioner shall be elected in nineteen hundred twenty-three and each year thereafter for a term of three years. The term of every such officer shall begin on the first Monday of December next after his election.

Section 162. The board of supervisors in counties under township organization, the county commissioners of the county of Cook and the county commissioners in counties not under township organization shall constitute the county board of their respective counties.

Section 163. No elected county treasurer shall succeed himself.

Section 164. Fees of county and town officers, as provided by law, shall be uniform as to classes of counties or towns and for this purpose there shall not be more than three classes of counties.

Section 165. The organization and government of and offices in counties may be changed by law uniform as to classes of counties; but any such law shall become effective in a county only after approval by a majority of those voting on the question.

Section 166. No county may abandon or adopt any form of organization unless a majority of those voting on the question shall approve the change.

Section 167. No county shall be changed in area unless the change is approved by a majority of those voting on the question in

each county and each part affected. Any territory taken from a county shall be liable for its proportion of the debt of such county.

Section 168. No county seat shall be removed unless three-fourths of those voting on the question shall approve the removal to the place designated except that a majority only shall be required to remove a county seat nearer to the center of the county. No person shall vote on the question unless he has resided in the election precinct ninety days and in the county six months next preceding the election. Such question shall not be submitted oftener than once in ten years.

Counties other than the County of Cook

Section 169. There may be an assessor in each county to be selected as provided by law. The county clerk shall be ex-officio clerk of the county court. In counties of less than sixty thousand population the circuit clerk shall be ex-officio recorder of deeds.

Section 170. The compensation of all county officers (except the county superintendent of schools) and the number and compensation of their employees shall be fixed by the county board and paid by the county treasurer on the order of the county board.

Section 171. No county shall be so created or reduced as to contain less than four hundred square miles nor shall any part of a county within ten miles of its seat be taken for a new county.

Section 172. Unless authorized by a majority of those voting at an election no county shall levy taxes in excess of three-fourths of one per cent of valuation. But in case a county is made the unit for the levy and collection of taxes for road and bridge purposes an additional three-fourths of one per cent of valuation for such purposes may be levied which may be increased when authorized by a majority of those voting at an election.

This and the two preceding sections shall not apply to the county of Cook.

County of Cook

Section 173. The county business of the county of Cook shall be transacted by a board of fifteen commissioners ten of whom shall be elected from the city of Chicago and five from the rest of the county.

Section 174. Each county officer in the county of Cook shall receive as his sole compensation a salary to be fixed by law. Such salary shall be less than the compensation of a judge of the circuit court of the county. The circuit court by rule entered of record shall determine the number and the county board shall determine the compensation of deputies and assistants of all such officers.

Section 175. The general assembly may consolidate with the city of Chicago the portion of the county of Cook lying within the city. Any law providing therefore shall adjust the powers, offices, rights and liabilities of the county (both in the portion within the

city and in the portion outside the city) and may either devolve them in whole or part upon the city or provide otherwise for their exercise and assumption. Whenever the entire powers of any office are taken away the office shall be abolished. No such law shall take effect until approved both in the city of Chicago and in the portion of the county lying outside the city by a majority of those voting on the question.

Section 176. Unless authorized by a majority of those voting at an election the county of Cook shall never levy taxes in excess of three-fourths of one per cent of valuation except such additional taxes as may have been authorized prior to the adoption of this constitution.

After consolidation of all or part of the county of Cook with any other taxing body exercising county functions the limit of taxation in the territory now included within the county of Cook shall be fixed by the general assembly in accordance with general or special law.

City of Chicago

Section 177. Except as expressly prohibited by law the city of Chicago is hereby declared to possess for all municipal purposes full and complete power of local self-government and corporate action. This grant of power shall be liberally construed and no power of local self-government or corporate action shall be denied the city by reason of not being specified herein. The city however may impose taxes and borrow money only as authorized by law.

Until otherwise provided by the city charter the powers heretofore granted the city shall be preserved and exercised in accordance with law and the additional powers granted by this section shall be exercised by or in accordance with city ordinances.

Section 178. The legislative authority of the city of Chicago from time to time and after approval of the proposition at an election in such manner as it may provide, may call an elective convention to frame a new city charter or to revise or amend any existing charter. The proposals of any such convention shall be submitted to the voters for adoption in the manner provided by it. Subsequent amendments may also be proposed and submitted to the voters in such manner as the charter may provide. State election laws and the powers and duties existing thereunder shall be available for the purposes of this section.

The charter so framed, revised or amended and ordinances passed thereunder shall prevail over state laws so far as the organization of the city government, the distribution of powers among its official agencies and the tenure and compensation of its officers and employes are concerned.

Rates of compensation as well as conditions of appointment and promotion in the classified civil service of the city shall be determined according to a general plan which shall recognize merit and fitness as controlling principles.

A certified copy of such charter or any amendment thereto shall be filed with the secretary of state within thirty days after its adoption.

Section 179. The city of Chicago shall have power to condemn private property (including public utilities and the privileges or licenses held in connection therewith) for public use in accordance with law.

Section 180. The city of Chicago, subject to regulation by general law, may own, acquire, construct, operate, sell, pledge, lease or let public utilities or buy or sell the service thereof.

Section 181. The general assembly may enact local or special laws relating to the municipal affairs of the city of Chicago but such laws shall not take effect until the city consents. A law which at the time of its enactment is applicable to the municipal affairs of no other city than the city of Chicago shall be deemed a local or special law.

Section 182. The consent of the city of Chicago whenever required by this article shall be expressed by ordinance but the general assembly, the city charter or the ordinance may prescribe in addition approval of the ordinance by the voters.

Section 183. The consent of the city of Chicago shall be required for the creation, enlargement or consolidation of any municipal corporation (except a county) exercising taxing powers within the city or for any increase of the taxing powers of any such municipal corporation hereinafter created or enlarged. No ordinance expressing consent to the creation, enlargement or consolidation of any municipal corporation shall take effect until ninety days after its enactment and if within that time either five thousand voters or one-third of the legislative authority of the city petition that body to submit the question at an election the ordinance shall not take effect until approved by a majority of those voting on the question.

Section 184. The charter framed, revised or amended under section one hundred seventy-eight of this constitution may provide:

(a) For the consolidation with the city of Chicago of any or all local governments or other authorities (in whole or in part) now or hereafter exercising powers confined to the city limits; and also of that part of any town (partly within and partly without the city) now or hereafter lying within the city limits. After consolidation with the city of any town (or part thereof) the powers of all officers therein relating to collection of taxes shall be exercised by the county treasurer until otherwise provided by law.

(b) For the consolidation with the city of Chicago of the Sanitary District of Chicago and the Forest Preserve District of Cook County, or either of them. No consolidation of either of such districts shall take effect until approved at an election by a majority of those voting on the question both in the district and in the city. The question of consolidation of either district shall be submitted to the voters thereof as a separate proposition and the election officials responsible for conducting elections therein shall submit the question in the manner provided by the charter. The city shall exercise no taxing

power outside its limits by virtue of consolidating either district. Upon consolidation of the Sanitary District of Chicago with the city of Chicago and until otherwise provided by law, the city shall furnish without charge sewage disposal service beyond its limits in the district, to the extent then furnished by the district; and the city may be required by law to furnish at cost, additional increased sewage disposal service in such territory.

All duties or obligations imposed by law at the time of such consolidation for the benefit of the inhabitants of such territory or any part thereof upon the city or the Sanitary District of Chicago with respect to other forms of service shall be assumed by the city unless it is relieved therefrom by the general assembly.

Any authority consolidated with the city of Chicago under this section shall be abolished and the city shall succeed to all the powers, property and liabilities thereof. If any consolidation proposed under this section fails to be approved at any election, the question may be resubmitted from time to time in the manner provided by the charter.

Section 185. After any consolidation authorized by the foregoing section has taken effect and until a new tax rate is fixed by law, the city of Chicago may levy an additional annual tax equal to the amount of taxes caused to be extended by the authority so consolidated upon the collector's warrants in the year last preceding consolidation.

Section 186. The rights of the city of Chicago under the Act for the Consolidation of Local Governments, approved June twenty-ninth, nineteen hundred fifteen or any amendment thereof are not affected by this article.

Section 187. The general assembly may provide other methods for consolidating local authorities with the city of Chicago subject to its consent.

Section 188. After any consolidation authorized by this article has taken effect the city of Chicago may become indebted in the aggregate up to seven per cent of the full value of the taxable real property therein as ascertained by the last assessment for state and county taxes previous to incurring the debt. In computing such aggregate amount there shall be included the existing indebtedness of the city and of all municipal corporations within the city and also the city's proportionate share (determined according to valuation of taxable real property) of the existing indebtedness of all municipal corporations partly within and partly without the city.

Section 189. Neither the county of Cook nor any city, town, school district or other municipal corporation in the county shall become indebted in the aggregate including its existing debt to an amount exceeding seven per cent of the value of the taxable real property therein as ascertained by the last assessment for state and county taxes previous to incurring the debt. The corporate body incurring any such debt shall before or at the time of doing so provide for the col-

lection of a direct annual tax sufficient to pay the interest on the debt and to pay the principal thereof in equal annual installments within twenty years but provision may be made at the time of incurring the debt for the payment of any part of it before maturity.

Section 190. The city of Chicago shall incur no new bonded indebtedness (except for refunding purposes) without the approval at an election of a majority of those voting on the question.

ARTICLE IX

PUBLIC SERVANTS

Section 191. An office is a public position created by the constitution or law continuing during the pleasure of the appointing power or for a fixed time with a successor elected or appointed. An employment is an agency for a temporary purpose which ceases when that purpose is accomplished.

Section 192. To hold any public office a person shall be a citizen of the United States, resident in this state one year and able to read and write the English language.

Section 193. No person shall hold any public office who has been convicted of an infamous crime or is in default as collector or holder of public money or if he holds any office under the United States (except postmasters whose annual compensation does not exceed three hundred dollars) or under a foreign government.

Section 194. All civil officers except members of the general assembly and such inferior officers as may be exempted by law, before they enter upon the duties of their respective offices shall take and subscribe the following oath or affirmation:

I do solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of the state of Illinois and that I will faithfully discharge the duties of the office of.....to the best of my ability.

No other oath, declaration or test shall be required as a qualification.

Section 195. All officers in this state shall hold office until their successors have qualified.

Section 196. No public officer shall have his term extended by law after his election or appointment.

Section 197. No legislative, executive or judicial officer and no officer of any county shall receive to his own use any fees, fines, costs, perquisites, percentages, interest, benefits, emoluments or allowances.

Section 198. No public officer shall have his compensation increased or diminished during his term.

Section 199. No extra compensation or allowance shall be given by law to any public officer, employe or contractor after service has been rendered or contract made.

Section 200. Every public officer shall make a report under oath at least semi-annually to some official to be designated by

law of all fines, fees, costs, perquisites of office or public moneys collected. Every such officer shall pay at least monthly to some official designated by law all public moneys and interest thereon received by or for him.

Section 201. No officer of this state shall be beneficially interested directly or indirectly in any contract with the state.

No officer of any subdivision of the state or of any municipal corporation or of any board or commission shall be beneficially interested directly or indirectly in any contract with the particular body of which he is an officer.

Section 202. No statute of limitation shall begin to run in favor of a public officer until an audit of his accounts has been made as provided by law.

Section 203. Any public officer or employe or his beneficiary may be given by law a vested interest in the accumulated portion of any death, disability or retirement fund to which he is required by law to contribute a part of his compensation; but such interest shall attach only to the fund accumulated and shall impose no obligation on the state to create or maintain such fund.

ARTICLE X

EDUCATION

Section 204. The general assembly shall provide a thorough and efficient system of free schools whereby all children of this state may receive a good common school education.

Section 205. The general assembly shall make adequate provision for the maintenance and development of the University of Illinois and the system of state normal schools.

Section 206. Property received for public education and the proceeds of such property shall not be diverted to another purpose except that by consent of the school officers holding legal title special assessments may be levied on school property.

Section 207. No school officer shall be financially interested in any contract concerning any school with which he is connected or in any book, apparatus or furniture used in such school.

ARTICLE XI

MILITIA

Section 208. The militia of the state of Illinois shall consist of all able-bodied male persons resident in the state between the ages of eighteen and forty-five except such persons as now are or hereafter may be exempted by the laws of the United States or of this state. No person, because of conscientious scruples against bearing arms, shall be exempted by the laws of this state from any military service declared by the governor to be non-combatant.

Section 209. All militia officers shall be commissioned by the governor and may hold their commissions for such time as the general assembly may provide.

Section 210. Members of the organized militia in all cases except treason, felony or breach of the peace shall be privileged from arrest during their attendance at and in going to and returning from musters and military elections.

Section 211. The military records, banners and relics of the state shall be preserved and safely kept as an enduring memorial of the patriotism and valor of the men of Illinois.

ARTICLE XII

WAREHOUSES AND COMMON CARRIERS

Section 212. Elevators and storehouses where property is stored for compensation are public warehouses.

Section 213. The manager of every public warehouse in cities of over one hundred thousand population or such population as may be provided by law shall post conspicuously each week in the office of the warehouse a sworn statement of the amount and grade of grain and also of the other property stored therein and of the warehouse receipts outstanding and shall file a copy of the statement in a place designated by law. Changes in quantity and grade of grain stored shall be noted daily upon the statement in the warehouse. Unless the owner or consignee consents different grades of grain shipped in separate lots shall not be mixed.

Section 214. The holder of a public warehouse receipt may always examine the property and the warehouse records thereof.

Section 215. Railroads and other common carriers shall, at the point of shipment, weigh or measure and receipt for the full amount of grain and deliver it to the consignee or owner.

Section 216. Railroads shall deliver grain to any consignee who can be reached by an available track and shall permit connections so that any public warehouse, coal bank or coal yard may be reached by cars.

Section 217. It shall be the duty of the general assembly to pass all necessary laws to prevent the issue of false and fraudulent warehouse receipts and to give full effect to this article which shall be liberally construed to protect producers and shippers. The enumeration of remedies herein shall not be construed to deny to the general assembly the power to prescribe by law such other and further remedies as may be found expedient or to deprive any person of existing common law remedies.

Section 218. The general assembly shall pass laws for the inspection of grain and for the protection of producers, shippers and receivers of grain and produce.

Section 219. Railroads are hereby declared public highways and shall be free to all for the transportation of persons and property under such regulations as may be prescribed by law. The general assembly shall from time to time pass laws establishing reasonable maximum rates for the transportation of passengers and freight thereon.

Section 220. The fee of land taken for railroad tracks without the consent of the owner shall remain in him.

Section 221. Rolling stock and other movable property of common carriers shall be subject to execution sale.

Section 222. The general assembly shall pass laws to correct abuses and prevent unjust discriminations and extortion in the rates of freight and passenger tariffs on the different railroads in this state and enforce such laws by adequate penalties to the extent if necessary for that purpose of forfeitures of their property and franchises.

Section 223. Nothing in sections two hundred nineteen and two hundred twenty-two of this constitution shall be construed to limit the powers of the general assembly.

ARTICLE XIII

CANALS AND WATERWAYS

Section 224. Bonds in the sum of twenty million dollars heretofore authorized under and pursuant to an amendment to the constitution of eighteen hundred seventy, ratified by the voters on November third, nineteen hundred eight and proclaimed adopted November twenty-fourth, nineteen hundred eight, for the construction, maintenance and equipment of the Illinois Waterway and its appurtenances, when issued and sold, shall be valid obligations of the state and the proceeds thereof shall be applied to the purposes for which they were authorized.

Section 225. The gross or total proceeds, receipts and income of the Illinois Waterway and its appurtenances and of the Illinois and Michigan Canal, may be appropriated or pledged for the construction, maintenance, operation, extension, enlargement or equipment of such waterway and its appurtenances or of such canal.

Section 226. No waterway or canal owned or improved by the state shall be sold or leased except as provided herein until the specific proposition for the sale or lease thereof is submitted to the electors of the state at a general election and approved by a majority of those voting at the election.

Section 227. The general assembly may authorize the lease of the Illinois and Michigan Canal or any part thereof to provide terminals in connection with the Illinois Waterway or other navigable channel. Such terminals shall be for public use on equal terms.

Section 228. Leases of state canals and waterways and of state property held in connection therewith including water power shall be subject to revaluation every twenty years.



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